

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 59 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE N.J.PANDYA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

NAVINBHAI MAGNBHAI PATEL

Appearance:

MR ST MEHTA, ADDL.PUBLIC PROSECUTOR for Petitioner

MR BUDHBHATTI for MR DR BHATT for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE N.J.PANDYA

Date of decision: 13/08/97

ORAL JUDGEMENT

This appeal is filed by the State as the order of acquittal passed by the ld.JMFC of the Court of Petlad in Criminal Case No.1307 of 1988. The alleged offence against the accused-respondents is under Section 498A read with Section 114 of IPC. The ld. trial Judge, after recording the evidence, came to the conclusion that, the complaint has been filed belatedly almost after six days though the incident is alleged to have occurred on 15.4.1988.

Complainant Mayaben having married in the year 1984 went to USA with her husband and came back in the year 1985. Again, in the year 1987, she went back to USA and was staying there till the month of February 1988. In the month of January 1988, her husband and one sister of her husband came to India and she stayed back. In the month of February, her sister-in-law Manjulaben telephoned her and in the name of her husband, she was called and she came back on 8th March 1988. However, her husband went again to USA without informing the complainant.

While she was staying with her in-laws, on 15.4.1988, suddenly, her mother-in-law and two sisters - in-law and elder brother of her husband, all of them started quarreling with her alleging that she has not brought sufficient dowry and that she has taken away the ornaments and other articles of the family.

The ld.Judge has noted that, no reason whatsoever is given for this late filing of the complaint; in the witness box, the complainant has started improving upon the version as set out in Exh.23, and has kept on improving upon her version, of course to the detriment of the prosecution case.

As if this is not enough, it has come on evidence that, on or about 8th April 1988, she had again gone to stay at her parents' house and, therefore, the ld.Judge has rightly questioned the credibility of the complainant's case, when the incident occurred in the house of the in-laws on 15.4.1988.

These and other reasons that are set out in the elaborate judgment running into 50 typewritten pages, the ld. Judge has come to the conclusion that no offence is made out. I do not see any reason to interfere with the same. The appeal is, therefore, dismissed. The order of the trial Court is confirmed.

sreeram.